



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, CITY CLERK BARBARA JO (RONI) RONEMUS, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:07 – 4:08)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2002-145 – Repeals and replaces LVMC Chapter 6.50, relating to liquor control, and revises related zoning provisions. Proposed by: Mark Vincent, Director, Finance and Business Services

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In addition to adding new alcoholic beverage licensing categories for banquet facilities, convention facilities, nonprofit club restaurant service bars, billiard parlors, convenience stores, art galleries, art studios, buses and limousines this bill reorganizes the presentation of the existing alcoholic beverage regulations, including moving related zoning matters from Chapter 6.50 to Title 19 of the City Code. Special use permit regulations for unlicensed locations hosting social events with alcoholic beverage sales are also established.

RECOMMENDATION:

ABEYANCE to the 6/2/2003 Recommending Committee meeting pursuant to the 5/19/2003 Recommending Committee.

First Reading – 12/18/2002; First Publication – N/A

BACKUP DOCUMENTATION:

Bill No. 2002-145

Submitted at the meeting: Proposed First Amendment for 2002-145 and copy of letter addressed to Jim DiFiore from Luke Puschnig

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2002-145 be forwarded to the Full Council as a Second Amendment with a “Do Pass” recommendation. COUNCILMAN MACK abstained because his brother-in-law owns Timbers Hospitality Group, which might be affected by this ordinance change.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 1 – Bill No. 2002-145

MINUTES – Continued:

MARK VINCENT, Director, Finance and Business Services, said that this bill makes changes to knew alcoholic beverage licensing categories for banquet and convention and non-profit restaurant service, as well as changes to Title 19 regarding zoning issues and special use permit regulations for unlicensed locations hosting special events. It also incorporates provisions of tavern-limited licenses for the Entertainment District in the downtown area. Provides for a waiver of a new original fee for property annexed from Clark County and makes non-transferable any license issued in the County under these conditions. In particular, there is a change in the bill requested by the Las Vegas Convention and Visitors Authority to allow for liquor sale at events other than sporting events at convention facilities.

CHIEF DEPUTY CITY ATTORNEY STEED pointed out that at the last Recommending Committee meeting staff verbally reviewed some proposed changes that would be brought back. They are included in the Proposed First Amendment. It is in order.

LUKE PUSCHNIG, Legal Counsel; CHARLIE LOVERING, VEL JONES, and CHRISTINE KENDZORA of the Las Vegas Convention and Visitors Authority were present. MR. PUSCHNIG indicated that the original proposal would have substantially limited the use of alcohol at Cashman, including during baseball games, requiring that beer be bought and consumed only at a beer garden. That issue was resolved, but unfortunately a resolution has not been reached with the issue of liquor distribution in Cashman Center, especially during the convention trade shows and public events. JIM DiFIORE of Business Services modified some of the language in this bill, but that language puts an unjustified burden back on the shows and Cashman to prove that they do not have a problem, versus requesting permission and forced to have a beer garden.

MR. PUSCHNIG submitted a letter, which is made a part of these minutes, addressed to MR. DiFIORE with proposed modified language. Under the current language, the director of Finance and Business Services would have to waive the requirement for a beer garden in every single event at Cashman Field. His proposed modified language requires a beer garden if the director determines there is a concern, as well as the Las Vegas Metropolitan Police Department (Metro). He felt that his proposed language is fair and addresses any potential concern with a beer garden. He assured the Committee members that the Cashman Field administrators are very careful and make sure that all the rules are followed when it comes to serving liquor.

MR. LOVERING agreed with MR. PUSCHNIG that there are a lot of trade shows, and to require the City's proposed exemptions would make matters very complex. Perhaps events that go past midnight should be more restricted, but the traditional trade shows should not.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 1 – Bill No. 2002-145

MINUTES – Continued:

MR. VINCENT indicated that in reviewing both of languages, he believes that they are very similar. CHIEF DEPUTY CITY ATTORNEY STEED pointed out that the language contained in the Proposed First Amendment is based upon the director having to know about the event. Under MR. PUSCHNIG's proposed language, he is not sure that there is any obligation for Metro to bring that information to the director. MR. PUSCHNIG advised that all vendors at a trade show are required to obtain a business license. The difference in the languages is that the Proposed First Amendment requires a beer garden, unless the City permits otherwise. That means that about 400 applicants a year must obtain a waiver for a beer garden. If that requirement is eliminated, provisions could be made to require a beer garden in case the City or Metro foresees a problem. COUNCILMAN WEEKLY questioned if Business Services would still be made aware of every event. MR. VINCENT interjected that Business Services would be aware of every event anyway because the vendors have to pull business licenses. CHIEF DEPUTY CITY ATTORNEY STEED mentioned that as long as staff can match the dates with the event, they would be fine.

MR. VINCENT asked how many of the approximate 400 events are mixed adult and children. MS. JONES answered that except for a few Latin dances, the majority are mixed. However, Cashman administration regulates itself and requires beer gardens at such events to avoid any problems. MR. PUSCHNIG commented that that provision was put in place because Metro expressed a concern.

MR. VINCENT indicated that he does not have any concerns with MR. PUSCHNIG's proposed language. CHIEF DEPUTY CITY ATTORNEY STEED concurred with MR. VINCENT, adding that changes can be made in the future, if necessary.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:08 – 4:22)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2003-49 – Exempts the buying, selling or trading of used CD's, DVD's, video games, videotapes, cassettes or sound recordings from the secondhand dealer business licensing requirements. Proposed by: Mark Vincent, Director of Finance and Business Services

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Currently persons buying, selling or trading used CD's, DVD's, video games, videotapes, cassettes or sound recordings are required to have secondhand dealer licenses. This bill will exempt such activity from this licensing requirement.

RECOMMENDATION:

ABEYANCE to the 6/2/2003 Recommending Committee meeting pursuant to the 5/19/2003 Recommending Committee.

First Reading – 5/7/2003; First Publication – N/A

BACKUP DOCUMENTATION:

Bill No. 2003-49

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2003-49 be forwarded to the Full Council without a recommendation. COUNCILMAN MACK abstained because of his consulting relationship with his brother, STEVEN MACK, owner of SuperPawn shops, to whom he sold his pawnshop.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARK VINCENT, Director of Finance and Business Services, stated that his staff met with ATTORNEY EDWARD LUBBERS, who appeared representing Gamestock, and they have resolved that the language will stay as submitted. ATTORNEY LUBBERS agreed with MR. VINCENT, noting that exempting certain equipment might create problems. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 2 – Bill No. 2003-49

MINUTES – Continued:

COUNCILMAN WEEKLY confirmed with Finance and Business Services staff that none of the other Councilmembers have concerns with this bill.

AL GALLEG0, citizen of Las Vegas, requested the definition of a secondhand dealer, because he does not believe that the second dealer definition addresses vendors at swap meets, where counterfeit items are being sold.

COLLEEN IRVINE, Supervisor, Pawn Detail, Las Vegas Metropolitan Police Department (Metro), was satisfied with the ordinance changes. An agreement will have to be reached as to the items that will have to be reported to Metro. As far as MR. GALLEG0's concern, she indicated that Metro has no control over people who are not licensed. MARK VINCENT, Director, Finance and Business Services, interjected that it was more of an enforcement issue. MR. GALLEG0 insisted that the City should monitor the swap meets and enforce the laws.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22 – 4:28)

1-445

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2003-51 – Adjusts the on-site parking requirements for barber shops and beauty parlors.

Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

Current on-site parking requirements for barber shops and beauty parlors are based upon the number of chairs or stations. As applied to uses located in shopping centers, the parking requirements exceed what normally is necessary. This bill will adjust the requirement in shopping centers with more than 25,000 square feet, basing the parking requirement on the square footage of the barber shop or beauty parlor.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-51

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-51 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, stated that in the last six months several applications for parking variances in shopping centers have been submitted, because of the requirements for barbershops and beauty parlors of three spaces per chair. Staff has reviewed that section of the code and has come up with a plan that would allow the City to impose that requirement if the proposed barbershop or beauty salon is a standalone facility. In the case of a shopping center with more than

25,000 square feet, staff is recommending one space for 200 square feet of gross floor area, which would considerably reduce the requirement and allow for parking. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 3 – Bill No. 2003-51

MINUTES – Continued:

COUNCILMAN WEEKLY asked how many parking spaces would be required of a barbershop with six chairs. MR. GENZER answered that it depends on the square footage. COUNCILMAN WEEKLY indicated that there was a case where the applicant did not meet the parking code because it was based on the amount of chairs in his barbershop. MR. GENZER noted that this amendment would resolve that type of situation.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:28 – 4:30)

1-655

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2003-52 – Establishes parameters for the keeping of carrier or racing pigeons within the City.

Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The keeping of pigeons is currently regulated by the City's animal control regulations, and the number of pigeons that can be kept is limited to twenty-four. This bill will allow the keeping of a greater number of pigeons (up to 300) by means of special use permit in the U, R-A, R-E and R-D Zoning Districts if the pigeons qualify as carrier or racing pigeons.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-52

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-52 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED explained that under the current City ordinance the keeping of poultry is a function of a certain distance from any neighboring dwelling, with consent and limited to twelve pairs of pigeons over the age of twelve months. The Mayor requested an ordinance that would allow in certain zones the ability to keep carrier or racing pigeons by special use permit. This proposal meets that request and defines carrier or racing pigeons as pigeons that are bred and kept for

demonstration or racing, are registered with a national organization, and are identified by a stamp or a band. Up to 300 pigeons may be kept only through a special use permit.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003
City Attorney
Item 4 – Bill No. 2003-52

MINUTES – Continued:

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:30 – 4:33)

1-739

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2003-53 – Establishes zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse, and updates zoning provisions regarding similar and related uses. Sponsored by: Michael J. McDonald

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

Court-related substance abuse treatment and counseling facilities have been located, or have the potential to be located, near residential areas. This bill will limit these facilities to the C-2 District (by means of special use permit) and the C-M and M Districts (as a conditional use). The bill will also adjust the treatment of similar and related uses for the sake of consistency.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-53

Submitted at the meeting: Proposed First Amendment

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-53 be forwarded to the Full Council as a First Amendment with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that there was a problem in Ward 1 with a drug counseling and testing facility being located in a residential area. Consequently, he requested an ordinance amendment. Staff identified a new category in the original bill that relates to testing and counseling in connection mainly with a court order. Staff added that language to the mix of already existing uses, for example, a special care facility or a withdrawal management facility. In each of those

cases the City's proposal was to allow them only in the C-2 district by means of special use permit, and in the C-M and M districts as a

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 5 – Bill No. 2003-53

MINUTES – Continued:

conditional use. Other related uses, such as medical office and medical lab were combined in the interest of providing a more cohesive approach to the problem.

Staff has since then identified some ways to clean up the language, which is in the form of a Proposed First Amendment, as submitted. That proposal eliminates two of the categories; special care facility and withdrawal management facility, and directed those uses to other existing uses, namely, a new category for facilities that provide testing, treatment, or counseling for drug or alcohol abuse. In the case of residential unit, it would fall under the category of convalescent care.

ROBERT GENZER, Director, Planning and Development, commented that his staff has been working closely with CHIEF DEPUTY CITY ATTORNEY STEED on this matter. However, he noticed that the latest draft contains some language that should be changed. Lines 3 and 4 of Page 6 deal with a psychology practice, and that language should be changed to read: The term includes a hypnotherapy practice, but does not include a facility to provide testing for drug or alcohol abuse. Staff recommends this change because a psychology or psychiatry practice is exactly where someone with a drug or alcohol problem that is not undergoing a court order should voluntarily seek treatment.

Conversely, Lines 26 and 27 of Page 5 deals with laboratory, medical, or dental facilities, where staff feels testing should occur. Therefore, staff recommends that the word “testing” be removed from Line 26, and continue to prohibit treatment or counseling at such locations. CHIEF DEPUTY CITY ATTORNEY STEED pointed out that he would have to make some corresponding changes to MR. GENZER’s recommended changes in order to avoid any conflicts. They will be submitted at the Council meeting. DOUG RANKIN, Ward 1 Liaison, concurred with the recommended changes.

CONNIE SPANGLER, 4008 Fulton Place, urged the Committee to approve this bill, as she feels that drug rehab facilities do not belong in residential areas. Because of the drug rehab facility in her neighborhood, she and her neighbors have been victims of numerous crimes. A drug rehab facility also brings a lot of traffic into residential neighborhoods.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:33 – 4:40)

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2003-54 – Permits restricted gaming in supper clubs under certain circumstances, and prohibits restricted gaming in the Downtown Entertainment Overlay District. Sponsored by: Councilman Larry Brown

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

A previous bill on this subject, Bill No. 2002-143, recently was stricken by the City Council with direction to bring back another bill with certain adjustments. In response, this bill is brought forward to allow supper clubs to have up to five slot machines in the bar area, but only as approved by means of a special use permit. The bill will also prohibit restricted gaming in the Downtown Entertainment Overlay District.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-54

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2003-54 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN MACK abstained because his brother-in-law, ANDREW DONNER, who owns Timbers Hospitality Group and has a management agreement with the Lady Luck.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARK VINCENT, Director of Finance and Business Services, remarked that this bill limits the number of slot machines for supper clubs to five, regardless of the square footage of the facility, through a special use permit in accordance with Title 9. Additionally, it limits the slots to the bar area only. It

continues to restrict gaming from the Downtown Entertainment Overlay District. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 6 – Bill No. 2003-54

MINUTES – Continued:

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of Houlihans and concurred with the changes.

ROBERT GENZER, Director, Planning and Development, added that one of the issues brought up by the Council was the need for a separate special use permit for gaming, as opposed to the supper club. Staff's research indicates that that ability is already in the code and falls under the general business gaming related category. Council will still have the ability to approve a supper club without gaming, requiring the applicant to demonstrate why gaming should be allowed at any given location.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:40 – 4:43)

1-1086

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

AL GALLEG0, citizen of Las Vegas, demanded that before the next Council meeting he be provided with the documents he requested from the Office of Business Development

(4:43)

1-1201

THE MEETING ADJOURNED AT 4:43 P.M.

Respectfully submitted: _____

GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

June 11, 2003